

EXHIBIT B



**IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT
DU PAGE COUNTY, ILLINOIS**

ANTHONY MOGOROVIC,

Plaintiff,

v.

**FED EX GROUND PACKAGE SYSTEM, INC.,
a/k/a FED EX GROUND, FED EX FREIGHT, INC.
and FED EX CORPORATION,**

Defendants.

2022LA000094

No.

Candice Adams
e-filed in the 18th Judicial Circuit Court
DuPage County
ENVELOPE: 16462616
2022LA000094
FILEDATE: 1/27/2022 9:23 AM
Date Submitted: 1/27/2022 9:23 AM
Date Accepted: 1/27/2022 2:04 PM
KS

COMPLAINT AT LAW

Plaintiff, ANTHONY MOGOROVIC, by his attorneys, TOMASIK KOTIN KASSERMAN, LLC, complaining of Defendants, FED EX GROUND PACKAGE SYSTEM, INC., a/k/a FED EX GROUND ("FED EX"), FED EX FREIGHT, INC. ("FED EX FREIGHT"), and FED EX CORPORATION, ("FED EX CORP."), states as follows:

COUNT I

Negligence

Anthony Mogorovic v. Fed Ex

1. On January 31, 2020, Commerce Street was a public way running generally in a north/south direction in Aurora, DuPage County, Illinois.
2. On January 31, 2020, Liberty Street was a public way running generally in an east/west direction in Aurora, DuPage County, Illinois at or near its intersection with Liberty Street.
3. On January 31, 2020, Defendant, FED EX, owned, operated, managed, maintained, and/or controlled a motor vehicle driving westbound on Liberty Street at or near its intersection with Commerce Street.



4. On January 31, 2020, Plaintiff, ANTHONY MOGOROVIC, was operating a motor vehicle eastbound on Liberty Street at or near its intersection with Commerce Street.

5. On January 31, 2020, the motor vehicle owned, operated, managed, maintained, and/or controlled by the Defendant, FEDEX, while attempting to make a left hand turn onto southbound Commerce Street, struck the vehicle being operated by Plaintiff, ANTHONY MOGOROVIC.

6. On January 31, 2020 Defendant, FED EX, owed a duty to the Plaintiff, ANTHONY MOGOROVIC, to exercise reasonable care when operating its motor vehicle.

7. On January 31, 2020 Defendant, FED EX, was negligent in one or more of the following respects:

- a. Operated his motor vehicle without keeping a proper and sufficient lookout;
- b. Failed to exercise due care to avoid colliding with Plaintiff, ANTHONY MOGOROVIC; and/or
- c. Failed to avoid a collision with Plaintiff's motorcycle when defendant saw, or in the exercise of reasonable care, should have seen Plaintiff's vehicle with time and opportunity to avoid the collision.

8. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant, FED EX, Plaintiff, ANTHONY MOGOROVIC, sustained injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, ANTHONY MOGOROVIC, demands judgment against Defendant, FED EX, in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of DuPage County, Illinois.



COUNT II

Negligence

Anthony Mogorovic v. Fed Ex Freight

1. On January 31, 2020, Commerce Street was a public way running generally in a north/south direction in Aurora, DuPage County, Illinois.

2. On January 31, 2020, Liberty Street was a public way running generally in an east/west direction in Aurora, DuPage County, Illinois at or near its intersection with Liberty Street.

3. On January 31, 2020, Defendant, FED EX FREIGHT, owned, operated, managed, maintained, and/or controlled a motor vehicle driving westbound on Liberty Street at or near its intersection with Commerce Street.

4. On January 31, 2020, Plaintiff, ANTHONY MOGOROVIC, was operating a motor vehicle eastbound on Liberty Street at or near its intersection with Commerce Street.

5. On January 31, 2020, the motor vehicle owned, operated, managed, maintained, and/or controlled by the Defendant, FED EX FREIGHT, while attempting to make a left hand turn onto southbound Commerce Street, struck the vehicle being operated by Plaintiff, ANTHONY MOGOROVIC.

6. On January 31, 2020 Defendant, FED EX FREIGHT, owed a duty to the Plaintiff, ANTHONY MOGOROVIC, to exercise reasonable care when operating its motor vehicle.

7. On January 31, 2020 Defendant, FED EX FREIGHT, was negligent in one or more of the following respects:

- a. Operated his motor vehicle without keeping a proper and sufficient lookout;



- b. Failed to exercise due care to avoid colliding with Plaintiff, ANTHONY MOGOROVIC; and/or
- c. Failed to avoid a collision with Plaintiff's motorcycle when defendant saw, or in the exercise of reasonable care, should have seen Plaintiff's vehicle with time and opportunity to avoid the collision.

8. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant, FED EX FREIGHT, Plaintiff, ANTHONY MOGOROVIC, sustained injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, ANTHONY MOGOROVIC, demands judgment against Defendant, FED EX FREIGHT, in an amount in excess of the minimum amount required for jurisdiction in the Law Division of the Circuit Court of DuPage County, Illinois.

COUNT III

Negligence

Anthony Mogorovic v. Fed Ex Corp.

1. On January 31, 2020, Commerce Street was a public way running generally in a north/south direction in Aurora, DuPage County, Illinois.
2. On January 31, 2020, Liberty Street was a public way running generally in an east/west direction in Aurora, DuPage County, Illinois at or near its intersection with Liberty Street.
3. On January 31, 2020, Defendant, FED EX CORP., owned, operated, managed, maintained, and/or controlled a motor vehicle driving westbound on Liberty Street at or near its intersection with Commerce Street.
4. On January 31, 2020, Plaintiff, ANTHONY MOGOROVIC, was operating a motor vehicle eastbound on Liberty Street at or near its intersection with Commerce Street.


Patrick J. Giese

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and FED EX CORPORATION,**

Defendants.

No.

AFFIDAVIT

I, Patrick J. Giese, state under oath:

1. I am an attorney associated with Tomasik Kotin Kasserman, LLC and am responsible for filing of the Complaint at Law in this matter.

2. The total of money damages sought by plaintiff does exceed \$50,000.00, exclusive of interest and costs.



TOMASIK KOTIN KASSERMAN, LLC
By: Patrick J. Giese

**Patrick J. Giese
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